

IN THE
Court of Appeal of the State of California

IN AND FOR THE
Fifth Appellate District

COURTROOM PROCEEDINGS

The court met in its courtroom at 10:00 A.M. Present: Honorable James A. Ardaiz, Presiding Justice; Honorable Nickolas J. Dibiaso, Associate Justice; Honorable Herbert I. Levy, Associate Justice; and Eve Sproule, Court Administrator/Clerk, by Elaine J. Duffy, Supervising Deputy Clerk.

**F033370 North Kern Water Storage District, etc. v. Kern Delta Water District, etc.;
City of Bakersfield**

Cause called and argued by Gene R. McMurtrey and William M. Smiland, Esq., counsel for defendant and appellant North Kern Water Storage District, etc.; by Scott Kuney, Esq., counsel for plaintiff and appellant North Kern Water Storage District, etc. and by Colin L. Pearce, Esq., counsel for respondent City of Bakersfield.

Cause ordered submitted.

Court recessed until Tuesday, November 12, 2002 at 10:00 A.M.

F041161 People v. Lara

No brief having been filed by appellant after notice duly given under rule 37(b) of the California Rules of Court, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

F041393 Leandra S. v. Merced County Human Services Agency

The orders denying the mother reunification services under section 361.5 subdivision (b)(4) and setting the section 366.26 hearing for December 18, 2002 are reversed. The matter is ordered remanded to respondent court to conduct a new hearing to determine whether the mother is eligible for reunification services.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F040989 Wentworth, et al. v. Sierra North Village Homeowners Association, et al.
F041461 Wentworth, et al v. Spivey, et al.
F041581**

Appellant's motion to consolidate the above-entitled cases is granted.

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- F037252 People v. Register**
Appellant's petition for rehearing filed herein is denied.
- F038696 People v. Roberson**
Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.
- F040193 People v. Silva**
Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the case is submitted for decision.
- F040193 People v. Silva**
The judgment is affirmed.
By the Court.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F041411 Lynn E. v. The Superior Court of Stanislaus County; Stanislaus County Community Services Agency**
IT IS HEREBY ORDERED that the petition for extraordinary writ is denied.
By the Court.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F036957 People v. Killebrew**
Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

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F036957 People v. Killebrew

The judgment is reversed. Cornell, J.

We concur: Buckley, Acting P.J.; Gomes, J.

[CERTIFIED FOR PUBLICATION]

F040612 People v. Montes

F040618 People v. Herrera

F040809 People v. Herrera

On its own motion and after notice to the parties, the court orders the captioned matters consolidated for purposes of decision.

F035608 People v. Larry Shannon Ward et al.,

Appellant Daniel Allen Blunt's petition for rehearing filed herein is denied.

F035608 People v. Larry Shannon Ward et al.,

Appellant Larry Shannon Ward's petition for rehearing filed herein is denied.

F037501 People v. Thomas, Jr.

Thomas's state prison sentence is ordered stricken from the judgment. The matter is remanded for a hearing at which the court shall exercise the discretion that Penal Code section 1170.19(a)(4) grants to a criminal court to order a juvenile disposition after a criminal trial on a discretionary direct file. After the exercise of that discretion, the court shall prepare an amended abstract of judgment. Otherwise the judgment of conviction is affirmed. Gomes, J.

We concur: Buckley, Acting P.J.; Cornell, J.

[CERTIFIED FOR PUBLICATION]

F037994 People v. Medina

Appellant's petition for rehearing filed herein is denied.

F038511 People v. Ward

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.